

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-29 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Claims 2-7, 9-12, 20, and 24-29 have been amended solely to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

The specification has been amended to better conform to the requirements of U.S. practice. No new matter has been added by these amendments.

In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

- I. Claims 1-14 and 20-29, drawn to an x-ray refractive element and x-ray system containing said element.
- II. Claims 15-19, drawn to a method of fabricating a multi-prism element.

In response, Applicants hereby elect the invention of Group I, corresponding to claims 1-14 and 20-29. This election is made without traverse. Applicants reserve the right to file one or more divisional applications corresponding to the subject matter of the non-elected claims.

The drawings were objected to because of an asserted informality in Fig. 8. The related section of the specification is amended to correct the informality.

The specification was objected to because of informalities and has been amended to correct same.

Claims 1-14 and 20-29 were objected to because of informalities. Claims 1, 5, 7, 8, 13, 14, 23, and 25 have been amended to correct same.

Turning now to the art rejections, claims 1-14 and 20-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by (i) "Applied Physics Letters Article to Cederström" (B. Cederström et al., "Multi-prism x-ray lens", Applied Physics Letters, Vol. 81, No. 8, pgs. 1399-1401, 19 August 2002), and (ii) "KTH Thesis to Cederström" (B. Cederström, "A Multi-Prism Lens for Hard X-Rays", Kungl Tekniska Högskolan ("KTH"), Abstract and pgs. 5-7, 18, 37-54, 57-60, 69-71, 73, 75-76, 87, 89, and 109-111, 8 November 2002). Applicants submit that the claims are patentably distinguishable over the relied on sections of the art.

Independent claims 1, 8, 13, and 14 have been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes. Support for these changes is found, e.g., in Figs. 2 and 3, and on page 5, lines 22-24 of the specification.

As amended herein, claim 1 recites:

a first row of substantially identical prisms disposed between said first end and said second end along a first direction, and

a second row of substantially identical prisms disposed between said first and second ends along the first direction, each of said prisms of said first row and each of said prisms of said second row being of a substantially triangular shape having two side portions and one base portion,

said first row of substantially identical prisms being arranged on top of said second row of substantially identical prisms in a second direction perpendicular to the first direction such that a base portion of a given prism in said first row faces an intersection point of said side portions of a given prism in said second row.

(Emphasis added.) Neither the relied on sections of "Applied Physics Letters Article to Cederström" nor the relied on

sections "KTH Thesis to Cederström" disclose or suggest a second row of substantially identical prisms disposed between the first and second ends along the first direction. Moreover, neither the relied on sections of "Applied Physics Letters Article to Cederström" nor the relied on sections "KTH Thesis to Cederström" disclose or suggest a first row of substantially identical prisms being arranged on top of a second row of substantially identical prisms in a second direction perpendicular to the first direction, and neither the relied on sections of "Applied Physics Letters Article to Cederström" nor the relied on sections "KTH Thesis to Cederström" disclose or suggest a first row of substantially identical prisms being arranged on top of a second row of substantially identical prisms in a second direction perpendicular to the first direction such that a base portion of a given prism in the first row faces an intersection point of the side portions of a given prism in the second row.

Rather, "Applied Physics Letters Article to Cederström" describes a refractive x-ray lens formed of two identical halves each having a single row of "teeth". (See Fig.1 and pg.1399, Abstract and 1st column.) Further, "KTH Thesis to Cederström" describes a similar refractive x-ray lens. (See Fig.5.1 and pg.37.) Neither references is at all concerned with a structure as set forth in the above excerpt of claim 1.

It follows, for at least the above reasons, that (i) the relied on sections of "Applied Physics Letters Article to Cederström" do not disclose or suggest the combination defined in claim 1 and therefore do not anticipate the claim and (ii) the relied on sections "KTH Thesis to Cederström" do not disclose or suggest the combination defined in claim 1 and therefore do not anticipate the claim.

Independent claims 8, 13, and 14 each call for features similar to those set out in the above excerpt of

claim 1. Each of these claims is therefore patentably distinguishable over the relied on sections of "Applied Physics Letters Article to Cederström" for at least the reasons set out above regarding claim 1, and each of these claims is therefore patentably distinguishable over the relied on sections "KTH Thesis to Cederström" for at least the reasons set out above regarding claim 1.

Claims 2-7 depend from claim 1, claims 9-12 depend from claim 10, claims 20-25 depend from claim 13, and claims 26-29 depend from claim 14. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons as its parent claim.

Accordingly, Applicants respectfully request the withdrawal of the Examiner's objections and the withdrawal of the rejections under 35 U.S.C. § 102(b).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.


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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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